

§ 46.2

38 CFR Ch. I (7–1–01 Edition)

and any other territories or possessions of the United States.

(1) *State Licensing Board* means, with respect to a physician, dentist or other health care practitioner in a State, the agency of the State which is primarily responsible for the licensing of the physician, dentist or practitioner to furnish health care services.

§ 46.2 Purpose.

The National Practitioner Data Bank, authorized by the Act and administered by the Department of Health and Human Services, was established for the purpose of collecting and releasing certain information concerning physicians, dentists and other health care practitioners. The Act mandates that the Department of Health and Human Services seek to enter into a Memorandum of Understanding with the Department of Veterans Affairs (VA) for the purpose of having VA participate in the National Practitioner Data Bank. Such a Memorandum of Understanding has been established. Pursuant to the Memorandum of Understanding, VA will obtain information from the Data Bank concerning physicians, dentists and other health care practitioners who provide or seek to provide health care services at VA facilities and will also report information regarding malpractice payments and adverse clinical privileges actions to the Data Bank. This part essentially restates or interprets provisions of that Memorandum of Understanding and constitutes the policy of VA for participation in the National Practitioner Data Bank.

Subpart B—National Practitioner Data Bank Reporting

§ 46.3 Malpractice payment reporting.

(a) VA will file a report with the National Practitioner Data Bank, in accordance with regulations at 45 CFR part 60, subpart B, as applicable, regarding any payment for the benefit of a physician, dentist, or other licensed health care practitioner which was made as the result of a settlement or judgment of a claim of medical malpractice. The report will identify the physician, dentist, or other licensed health care practitioner for whose ben-

efit the payment is made. It is intended that the report be filed within 30 days of the date payment is made. (This may not be possible in all cases since the Department of Veterans Affairs is not always notified of such payments within sufficient time to provide the report within 30 days of payment.) The report will provide the following information:

(1) With respect to the physician, dentist or other licensed health care practitioner for whose benefit the payment is made—

- (i) Name,
- (ii) Work address,
- (iii) Home address, if known,
- (iv) Social Security number, if known, and if obtained in accordance with section 7 of the Privacy Act of 1974,
- (v) Date of birth,
- (vi) Name of each professional school attended and year of graduation,
- (vii) For each professional license: the license number, the field of licensure, and the State in which the license is held,
- (viii) Drug Enforcement Administration registration number, if applicable and known,
- (ix) Name of each health care entity with which affiliated, if known;

(2) With respect to the reporting VA facility—

- (i) Name and address of the reporting facility,
- (ii) Name, title and telephone number of the responsible official submitting the report on behalf of the Federal government,
- (iii) Relationship of facility to the physician, dentist or other health care practitioner being reported;

(3) With respect to the judgment or settlement resulting in the payment—

- (i) Where an action or claim has been filed with an adjudicative body, identification of the adjudicative body and the case number,
- (ii) Date or dates on which the act(s) or omission(s) which gave rise to the action or claim occurred,
- (iii) Date of judgment or settlement,
- (iv) Amount paid, date of payment, and whether payment is for a judgment or a settlement,
- (v) Description and amount of judgment or settlement and any conditions